

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
CHARLES GROUWS,)
d.b.a. G & H CONSTRUCTION CO.,)
Appellant,)
v.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 838

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

THIS MATTER, the appeal of a \$50 civil penalty for allegedly causing or allowing an outdoor fire having come on regularly for formal hearing before Board member Walt Woodward on the 8th day of October, 1975, at Seattle, Washington and appellant Charles Grouws failing to appear, and respondent Puget Sound Air Pollution Control Agency appearing through its attorney, Keith D. McGoffin, hearing examiner William A. Harrison presiding and the Board having considered the sworn testimony, the exhibits, records and files herein and having entered on the 14th day of October, 1975, its proposed Findings of

1 Fact, Conclusions of Law and Order, and the Board having served said
2 proposed Findings, Conclusions and Order upon all parties herein by
3 certified mail, return receipt requested and twenty days having elapsed
4 from said service; and

5 The Board having received no exceptions to said proposed Findings,
6 Conclusions and Order and the Board being fully advised in the premises;
7 now therefore,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
9 Findings of Fact, Conclusions of Law and Order dated the 14th day of
10 October, 1975, and incorporated by this reference herein and attached
11 hereto as Exhibit A, are adopted and hereby entered as the Board's
12 Final Findings of Fact, Conclusions of Law and Order herein.

13 DATED this 12th day of November, 1975.

14 POLLUTION CONTROL HEARINGS BOARD

15 Chris Smith
16 CHRIS SMITH, Chairman

17 Walt Woodward
18 WALT WOODWARD, Member

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27 FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER 2

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IN THE MATTER OF
CHARLES GROUWS,
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Appellant,

v.

PUGET SOUND AIR POLLUTION
CONTROL AGENCY,

Respondent.

PCHB No. 838

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

This is an appeal of a \$50 civil penalty assessed against appellant, Charles Grouws, for allegedly causing or allowing an outdoor fire without prior written approval from the respondent, Puget Sound Air Pollution Control Agency (PSAPCA). Such conduct would be in violation of respondent's Regulation I, Section 9.02(d)(3)(i). The matter came on for formal hearing before the Pollution Control Hearings Board (those present were Walt Woodward, Member, and William A. Harrison, Hearing Examiner, presiding) convened in Seattle on October 8, 1975.

The Board convened at 9:30 a.m., the hour specified in the notice of

EXHIBIT A

hearing. Respondent appeared by and through its attorney, Keith D. McGoffin. Appellant, Charles Grouws, failed to appear. The Board delayed action until 10:00 a.m., at which time appellant had still not appeared. Respondent then placed a telephone call to the office of the appellant and informed the Board that the appellant could not be found. Respondent was invited to proceed. Respondent's witnesses were sworn and testified. Respondent's exhibits were admitted. From testimony heard and considered and exhibits examined, the Pollution Control Hearings Board makes these

FINDINGS OF FACT

I.

Respondent, pursuant to RCW 43.21B.260, has filed with this Board a certified copy of its Regulation I containing respondent's regulation and amendments thereto.

II.

On or about the 2nd day of April, 1975, in King County, State of Washington, appellant allowed an outdoor fire of cardboard boxes, paper, etc., without being issued prior written approval of PSAPCA.

III.

Any Conclusion of Law hereinafter recited which should be deemed a Finding of Fact is hereby adopted as such.

From these Findings the Pollution Control Hearings Board comes to these

CONCLUSIONS OF LAW

I.

The appellant violated Section 9.02 of Regulation I of the PSAPCA.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

1 II.

2 Any Finding of Fact which should be deemed a Conclusion of Law is
3 hereby adopted as such.

4 Therefore, the Pollution Control Hearings Board issues this

5 ORDER

6 This appeal is dismissed.

7 DONE at Lacey, Washington this 14th day of October, 1975.

8 POLLUTION CONTROL HEARINGS BOARD

9 Walt Woodward
10 WALT WOODWARD, Member
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6 FINDINGS OF FACT,
27 CONCLUSIONS OF LAW AND ORDER